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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,314	12/17/2004	Oldrich Navratil	262991US6PCT	6728

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

KARLS, SHAY LYNN

ART UNIT	PAPER NUMBER
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1744

NOTIFICATION DATE	DELIVERY MODE
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06/21/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/517,314	Applicant(s) NAVRATIL, OLDRICH	
	Examiner Shay L. Karls	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. The applicant lists WO 98/17910 in the specification however fails to include it on the IDS. The examiner will include it on the PTO-892 for consideration.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 include several limitations which are confusing to the examiner, such as "rotor configured in swiveling and rotary manner and encompassed with a surface for rolling" and "in a contact point between the rolling rotor and the surface for rolling the rolling rotor has a smaller diameter than the surface for rolling". These limitations are unclear and difficult to understand. What is a swiveling and rotary manner? What is the contact point? Applicant is asked to clarify the language in the claim.

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Claim 13 recites the limitation "the bar" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kochte et al. (USPN 4589161).

Kochte teaches a vacuum cleaner comprising a working chamber (16) provided with an inlet (figure 5, space between brush sets 115 and 35), connected with a vacuum-generating unit (not shown). There is a rotary-shaped rolling rotor (15) placed in between the inlet and the vacuum generating unit. The rolling rotor is configured to swivel and rotate via joint (74). The rotor is encompassed by a surface for rolling (figure 5, element 37) and the rotor has a smaller diameter than the surface for rolling. The rotor further is connected to a brush (13).

With regards to claim 9, the brush is attached to the rotor by a swinging joint (the entire device is connected by joint 74).

With regards to claim 10, the rotor is shaped like a hollow hemisphere (61) with its open side upstream, the brush is arranged along a circumference edge of the hemisphere (the brush 13 is located adjacent the circumference edge of the rotor).

With regards to claim 11, the rotor is placed in the working chamber and the surface for rolling is formed on an inner wall of the working chamber (figure 5).

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With regards to claim 12, the working chamber has at it bottom edge a set of inlets (located between blades 90).

With regards to claim 14, the brush is fitted to be replaceable (element 13 can be removed and replaced).

Claims 8, 9, 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Iannucci (USPN 5044034).

Iannucci teaches a vacuum cleaner comprising a working chamber (12) provided with an inlet (figure 2, space between brush sets 35 and 36), connected with a vacuum-generating unit (col. 2, lines 54-57). There is a rotary-shaped rolling rotor (22) placed in between the inlet and the vacuum generating unit. The rolling rotor is configured to swivel and rotate via joint (20, 21). The rotor is encompassed by a surface for rolling (figure 2, surface which brush 36 is mounted on) and the rotor has a smaller diameter than the surface for rolling. The rotor further is connected to a brush (24).

With regards to claim 9, the brush is attached to the rotor by a swinging joint (element 25 connects the rotor to the brush to allow the brush to rotate).

With regards to claim 11, the rotor is placed in the working chamber and the surface for rolling is formed on an inner wall of the working chamber (figure 2).

With regards to claim 12, the working chamber has at it bottom edge a set of inlets (openings in 27).

With regards to claim 13, the working chamber is connected with the vacuum-generating unit with a flexible hose (not shown but connects to element 32), while a bar (37) is attached to the working chamber to move the working chamber.

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With regards to claim 14, the brush is fitted to be replaceable (can be replaced by removing the connection means 25 and removing the brush).

Claims 8-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rief et al. (USPN 5293659).

Rief teaches a vacuum cleaner comprising a working chamber (5, 6) provided with an inlet (figure 6,), connected with a vacuum generating unit (not shown). There is a rotary-shaped rolling rotor (11) placed in between the inlet and the vacuum-generating unit. The rolling rotor is configured to swivel and rotate via joint (12). The rotor is encompassed by a surface for rolling (figure 6, not labeled but located between outer brush 10 and rotor 11) and the rotor has a smaller diameter than the surface for rolling. The rotor further is connected to a brush (58).

With regards to claim 9, the brush is attached to the rotor by a swinging joint (the entire device is connected by joint 12).

With regards to claim 10, the rotor is shaped like a hollow hemisphere (figure 1) with its open side upstream, the brush is arranged along a circumference edge of the hemisphere (the brush 58 is located along the entire perimeter of the rotor (figure 6 and 6a).

With regards to claim 11, the rotor is placed in the working chamber and the surface for rolling is formed on an inner wall of the working chamber (figure 6).

With regards to claim 12, the working chamber has at it bottom edge a set of inlets (located around all the edges of the chamber).

With regards to claim 14, the brush is fitted to be replaceable (element 56 which secures brush can be removed from element 57 to allow brush to be replaced).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rief ('659) in view of Iannucci ('034).

Rief teaches all the essential elements of the claimed invention including a flexible hose to connect the working chamber with the vacuum generating unit (not shown but attaches to element 4) however fails to teach a bar on the working chamber. Iannucci teaches a swimming pool cleaner with a push bar (37) attached to a working chamber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the swimming pool cleaner of Rief so that it comprises a push bar as taught by Iannucci to assist in moving the pool cleaner along the bottom surface of the pool (col. 3, lines 4-9).

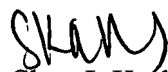
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 7:00-4:30 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Shay L Karls
Patent Examiner
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